



Staff Report PLAN-2026-071
Planning Committee
May 14, 2026

TO: Chair Bosomworth and Members of Planning Committee

AUTHOR: Kaitlyn Walker, Intermediate Planner

SUBJECT: B/01/02/03/04/19/26/ML, ZBA-02/26 (HERRMANN, MARSHALL & GRANT-STIPSITS)

Lot 13, Concession 7, Part 1, Plan 35R-9326, (Medora), Civic Address: 4454 Muskoka Road 169, Unit #2, Roll #: 4-2-021

Part of Lots 12 and 13, Concession 7, Parts 1 to 8, Plan 35R-18369, Part 1, Plan 35R-21415, (Medora), Civic Address: 4454 Muskoka Road 169, Unit #4, Roll #: 4-2-023

Part of Lot 12, Concession 7, Parts 2 to 4, Plan 35R-23031, (Medora), Civic Address: 4454 Muskoka Road 169, Unit #1, Roll #: 4-2-024

RECOMMENDATIONS

THAT Consent Applications B/01/02/03/04/19/26/ML, (HERRMANN, MARSHALL & GRANT-STIPSITS) be APPROVED, subject to the following conditions:

- i. That the Certificate of Consent under Section 53(42), of the Planning Act, along with a "Transfer in Preparation" be prepared by a Solicitor, and shall be given to the Secretary-Treasurer within two (2) years from the date the notice of the decision was given.
- ii. That one hard copy and a digital copy of a satisfactory Registered Reference Plan of the severed lands/rights-of-way prepared by an Ontario Land Surveyor, be submitted to the Secretary-Treasurer which corresponds with the applications as submitted. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration on title.
- iii. That confirmation be received that the Township is satisfied that Resultant Lots 2 and 3 are satisfactory for on-site sewage disposal and that any problems identified with any existing sewage system be corrected to the satisfaction of the Township;

- iv. That Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance;
- v. That a satisfactory Consent Agreement under Section 51(26) of the Planning Act be entered into with the Township and registered on title of the Resultant Lot 3 and contains provisions to the satisfaction of the Township that includes, but is not limited to:
 - i. A requirement that a future Site Plan Agreement will include provisions as outlined by Section L6.6.2 e) of the Township's 2023 Official Plan.
- vi. That a legal undertaking be submitted by the acting solicitor which confirms that the Severed Lots will merge in title to the Benefitting Lots upon registration of the transfer/deeds, which may include a cancellation of consent if necessary;
- vii. That a rezoning be approved to permit the reconfiguration of the subject properties and areas;
- viii. That the shoreline structures on Resultant Lot 2 be brought into compliance with the Township's Zoning By-law;
- ix. That shed 1 and the privy be removed or brought into compliance on Resultant Lot 3;
- x. That shed 2 be removed or brought into compliance on Resultant Lot 2; and,
- xi. That an 'old dwelling' (refer to Figure 8) be removed on Resultant Lot 2.

ZBA-02/26

THAT Exemption C to Zoning By-law Amendment Application ZBA-02/26, (HERRMANN, MARSHALL & GRANT-STIPSITS), be APPROVED subject to the following:

- That the draft By-law be amended to include relief from Section 1. i) of By-law 2008-149, which permits Parent Lot #1 (Unit 1) to have a minimum lot frontage of 265 feet.; and,
- That By-law 2005-119 be repealed.

THAT Exemptions A and B to Zoning By-law Amendment Application ZBA-02/26, (HERRMANN, MARSHALL & GRANT-STIPSITS), be DENIED.

REPORT HIGHLIGHTS

This report provides an overview and analysis of concurrent Consent Applications B/01-04/19/26/ML and Zoning By-law Amendment Application ZBA-02/26 (HERRMANN et al.). Through policy analysis, a site visit, and desktop review of available information, staff have recommended that Consent Applications B/01-04/19/26/ML be approved subject to the recommended conditions. Staff have concluded that Exemption C of Zoning By-law Amendment Application ZBA-02/26 is consistent with the Provincial Planning Statement and is in conformity with the Muskoka Official Plan and the Township's 2013 and 2023 Official Plan subject to the recommended revisions. Staff have concluded that Exemption A and B do not conform to the Township's 2013 and 2023 Official Plan and have recommended they be denied.

BACKGROUND

The purpose and effect of the proposed concurrent Consent and Zoning By-law Amendment Applications is to grant three lot additions, two right-of-ways and to gain exemptions necessary to finalize the proposed consents/severances. After circulation the applicant provided an amended zoning sketch with corrected shoreline structure measurements for Resultant Lot 2. The amended zoning sketch has been included in the agenda package and in this report. The existing lot configuration of Lots 1-3 can be found in Figure 1.

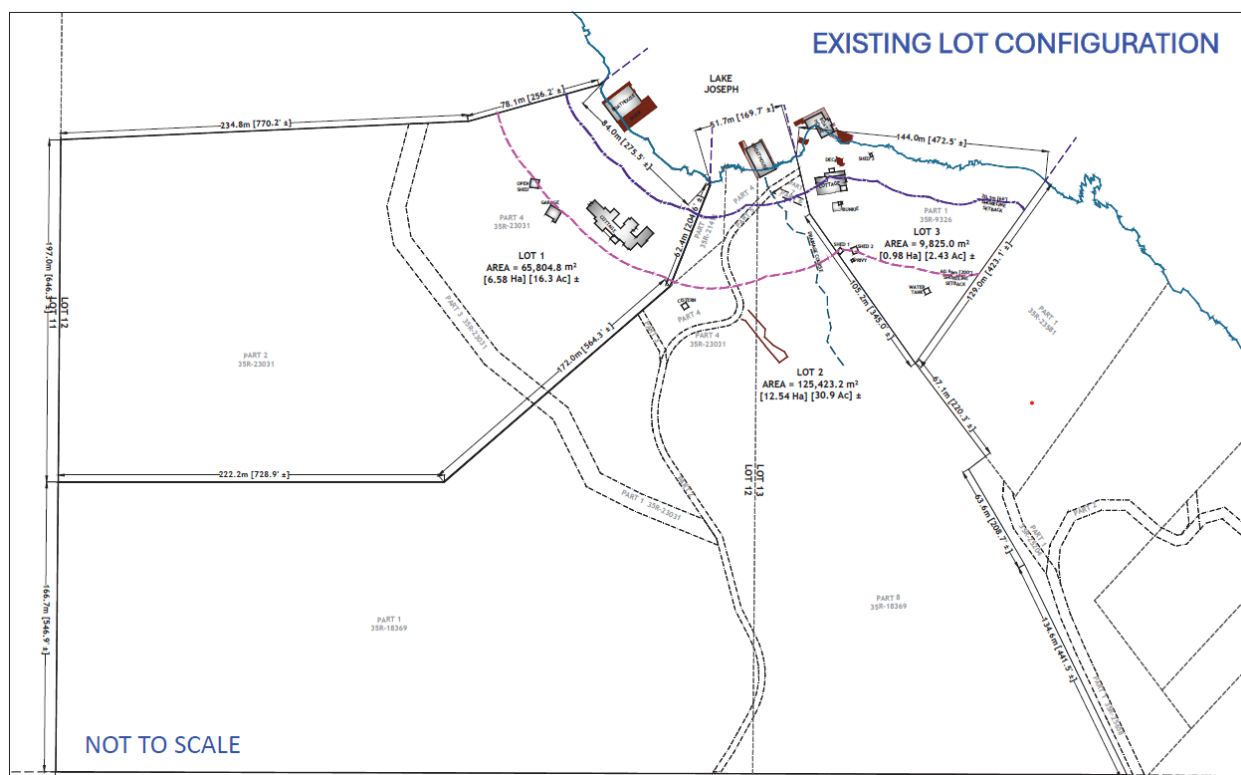


Figure 1: Existing Configuration of Lots 1-3.

Consent Application #1:

The purpose and effect of Consent Application #1 (B/01/26/ML) is to sever a portion of Retained Lot #1 (known municipally as 4454 Muskoka Road 169, Unit #2) and add it to the abutting property to the west (Benefitting Lot #1, known municipally as 4454 Muskoka Road 169, Unit #4) (Refer to Figure 2 and Table 1). Severed Lot #1 currently contains a dwelling, sleeping cabin, single storey boathouse and docks, and accessory structures. Benefitting Lot #1 contains a dock and a single storey boathouse. Retained Lot #1 will contain a shed, a privy and a water tank.

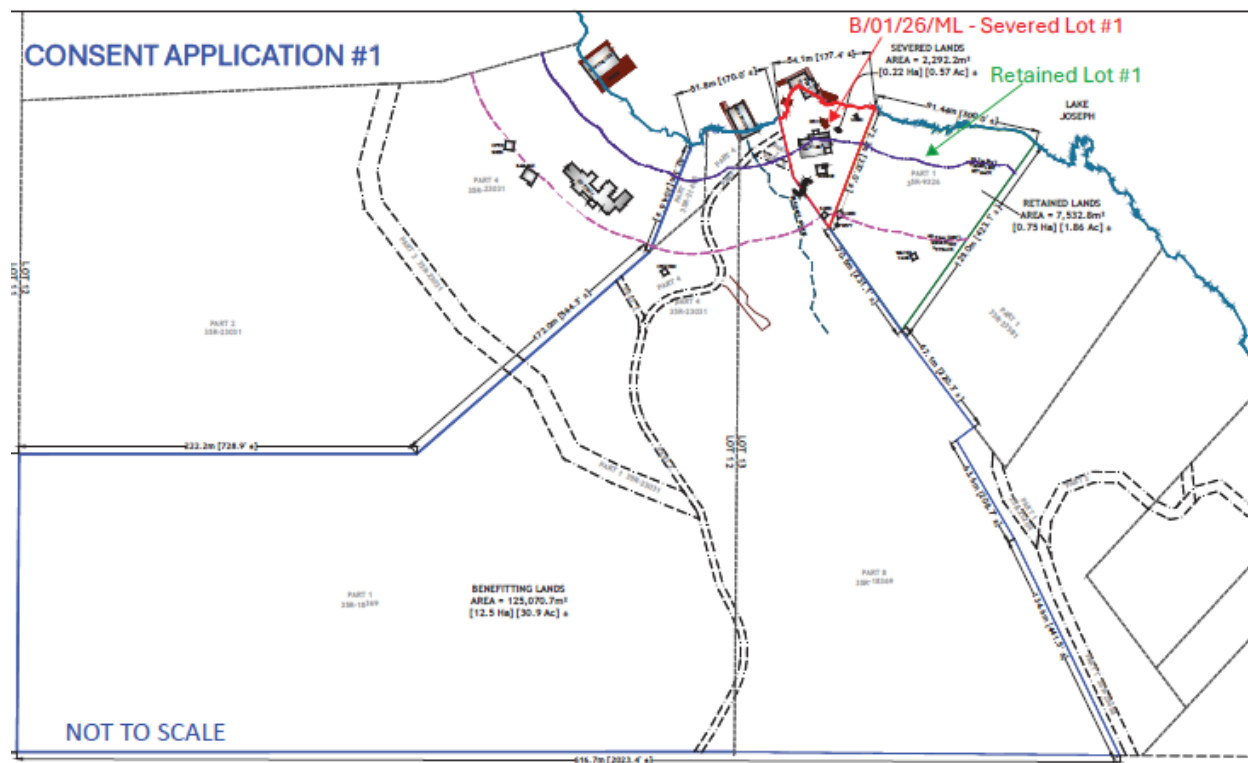


Figure 2: Consent Sketch Application #1 (B/01/26/ML)

Table 1: Consent Application #1 (B/01/26/ML) Comparison of Existing and Resultant Lot Frontages and Areas

Lot	Property Characteristic	Existing	Resultant	By-law Requirements
Resultant Lot 1 (Severed Lot 1 + Benefitting Lot 1)		± 169.7 ft.	± 345.9 ft.	Waterfront Residential – WR4: Existing Lot Frontage and Area
		± 30.9 ac.	31.47 ac.	
Severed Lot 1	Lot Frontage	N/A	± 177.4 ft.	
	Lot Area	N/A	± 0.57 ac.	

Table 2: Consent Application #2 (B/02/26/ML) Comparison of Existing and Resultant Lot Frontages and Areas

Frontages and Areas				Waterfront Residential – WR4: Existing Lot Frontage and Area
Lot	Property Characteristic	Existing	Resultant	
Resultant Lot 2 (Severed Lot 2 + Benefiting Lot 2)		± 300 ft.	± 300 ft.	
		± 1.86 ac.	± 6.8 ac.	
Severed Lot 2	Lot Frontage	N/A	± 0 ft.	
	Lot Area	N/A	± 5 ac.	
Retained Lot 2	Lot Frontage	± 345.9 ft.	± 345.9 ft.	
	Lot Area	± 31.47 ac.	± 26.4 ac.	

Consent Application #3:

The purpose and effect of Consent Application #3 (B/03/26/ML) is to sever a portion of Retained Lot #3 (known municipally as 4454 Muskoka Road 169, Unit #4) and add it to an abutting lot to the west (Benefitting Lot #3, known municipally as 4454 Muskoka Road 169, Unit #1) (Refer to Figure 4 and Table 3). Severed Lot #3 is currently vacant. Benefitting Lot #3 currently contains a dwelling, detached garage, shed, dock and single storey boathouse.

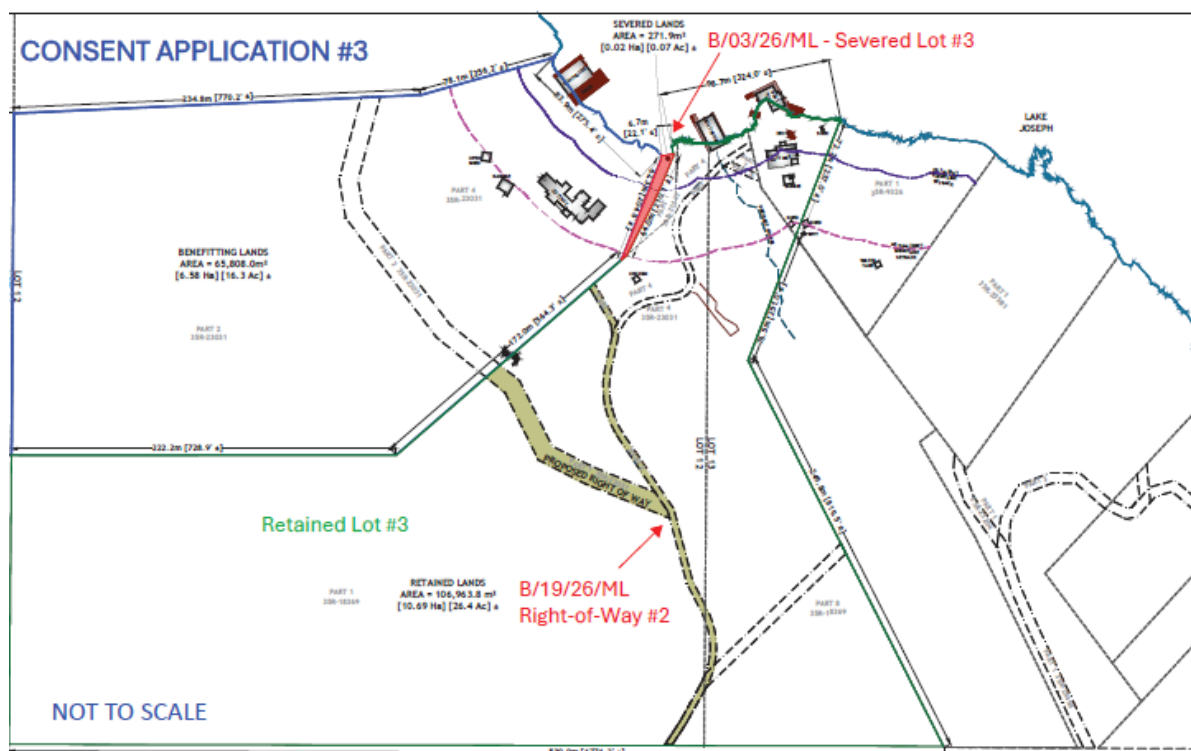


Figure 4: Consent Sketch Application #3 (B/03/26/ML)

Table 3: Consent Application #3 (B/03/26/ML) Comparison of Existing and Resultant Lot Frontages and Areas

Lot	Property Characteristic	Existing	Resultant	By-law Requirements
Resultant Lot 3 (Severed Lot 3 + Benefiting Lot 3)		± 275.4 ft.	± 290.2 ft.	Waterfront Residential – WR4: Existing Lot Frontage and Area
		± 16.3 ac.	± 16.3 ac.	
Severed Lot 3	Lot Frontage	N/A	± 22.1 ft.	
	Lot Area	N/A	± 0.07 ac.	
Retained Lot 3	Lot Frontage	± 345.9 ft.	± 324 ft.	
	Lot Area	± 26.4 ac.	± 26.4 ac.	

Resultant Lots 1-3:

The configuration of the resultant lots from consent applications 1-3 are shown in Figure 5 below. The resulting lot frontages and areas can be found in Table 4 below.

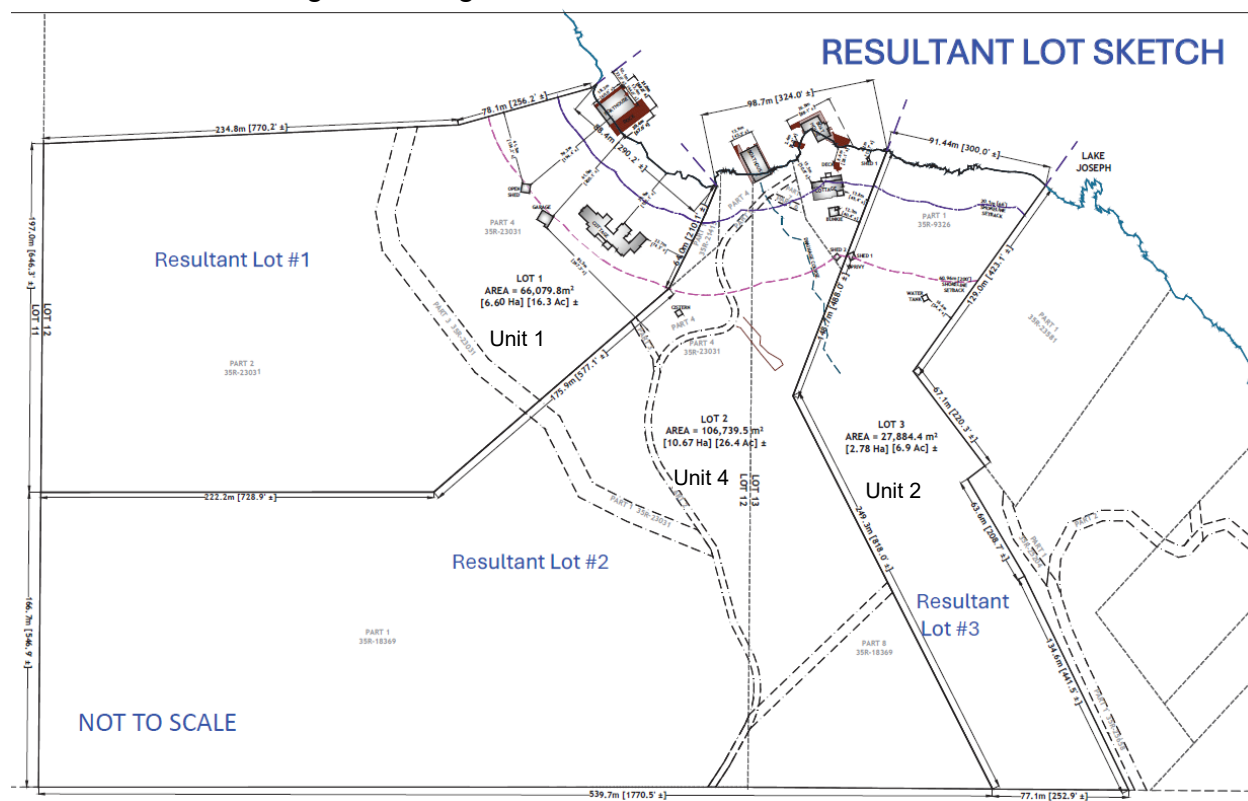


Figure 5: Configurations of Resultant Lots 1-3

Table 4: Comparison of Existing Lots and Resultant Lots Frontages and Areas

Lot	Property Characteristic	Existing	Resultant	By-law Requirements
Lot 1	Lot Frontage	± 275.5 ft.	± 290.2 ft.	Waterfront Residential – WR4: Existing Lot Frontage and Area
	Lot Area	± 16.3 ac.	± 16.3 ac.	
Lot 2	Lot Frontage	± 169.7 ft.	± 324 ft.	
	Lot Area	± 30.9 ac.	± 26.4 ac.	
Lot 3	Lot Frontage	± 472.5 ft.	± 300 ft.	
	Lot Area	± 2.43 ac.	± 6.9 ac.	

Consent Application #4 and #5 - Rights-of-Ways:

Two rights-of-way are also proposed. The first right-of-way (B/04/26/ML) will grant right-of-way access for an existing driveway on 4454 Muskoka Road 169, Unit #4 (Resultant Lot 2) in favour of the neighbouring property to the east 4454 Muskoka Road 169 Unit #2 (Resultant Lot 3). The second right of way (B/19/26/ML) will grant right-of-way access for an existing driveway on 4454 Muskoka Road 169, Unit #4 (Resultant Lot 2) in favour of the neighbouring property to the west 4454 Muskoka Road 169, Unit #1 (Resultant Lot 1). Refer to Figure 2 and 3 for Reference.

Zoning By-law Amendment Application

A Zoning By-law Amendment Application ZBA-02/26 has been submitted to recognize the overages of the resultant cumulative dock and single storey boathouse widths on Resultant Lot 2 (4454 Muskoka Road 169, Unit #4). ZBA-02/26 also proposes to recognize the resultant frontages and areas of Resultant Lots 1, 2 and 3. Since the application was circulated the applicant has provided an amended zoning sketch which shows the resulting cumulative boathouse and dock width on Retained Lot 2 as defined by the Township's Zoning By-law (See Figure 6). Below is a table of the original exemptions circulated and the amended exemptions.

Table 5: Summary of Requested Exemptions (Original & Amended)

Exemption	ZBL 2014-14 Section(s)	Description	Permitted	Original Proposal	Amended Proposal
A	4.1.7 & 4.1.7.12 a)	Maximum Permitted Cumulative Dock Width	75 ft./25%	Recognize Overage in Cumulative Dock Width on Resultant Lot 2, As Shown on Schedule II to the Draft By-law	Permit a Cumulative Dock Width of 107 ft. on Resultant Lot 2, as shown on Schedule II – Amended to the Draft By-law.
B	4.1.7 & 4.1.7.12 a) & b)	Maximum Permitted Cumulative Single Storey Boathouse Width	51.8 ft./16%*	Recognize Overage in Cumulative Boathouse Width on Resultant Lot 2, As Shown on Schedule II to the Draft By-law	Permit a Cumulative Boathouse Width of 75 feet as shown on Schedule II - Amended to the Draft By-law.
C	4.1.3 & 4.1.3.1	Minimum Lot Frontage and Area in the Waterfront Residential - Highly Sensitive or	Existing Frontage and Area	Reconfigured Lot Frontage and Area as Shown on Schedule II	No changes proposed to lot area or frontage.

Exemption	ZBL 2014-14 Section(s)	Description	Permitted	Original Proposal	Amended Proposal
		Over Threshold Lake (WR4) Zone			

*please note an error was made in the original notice. The maximum permitted cumulative dock width is 16% not 61%.

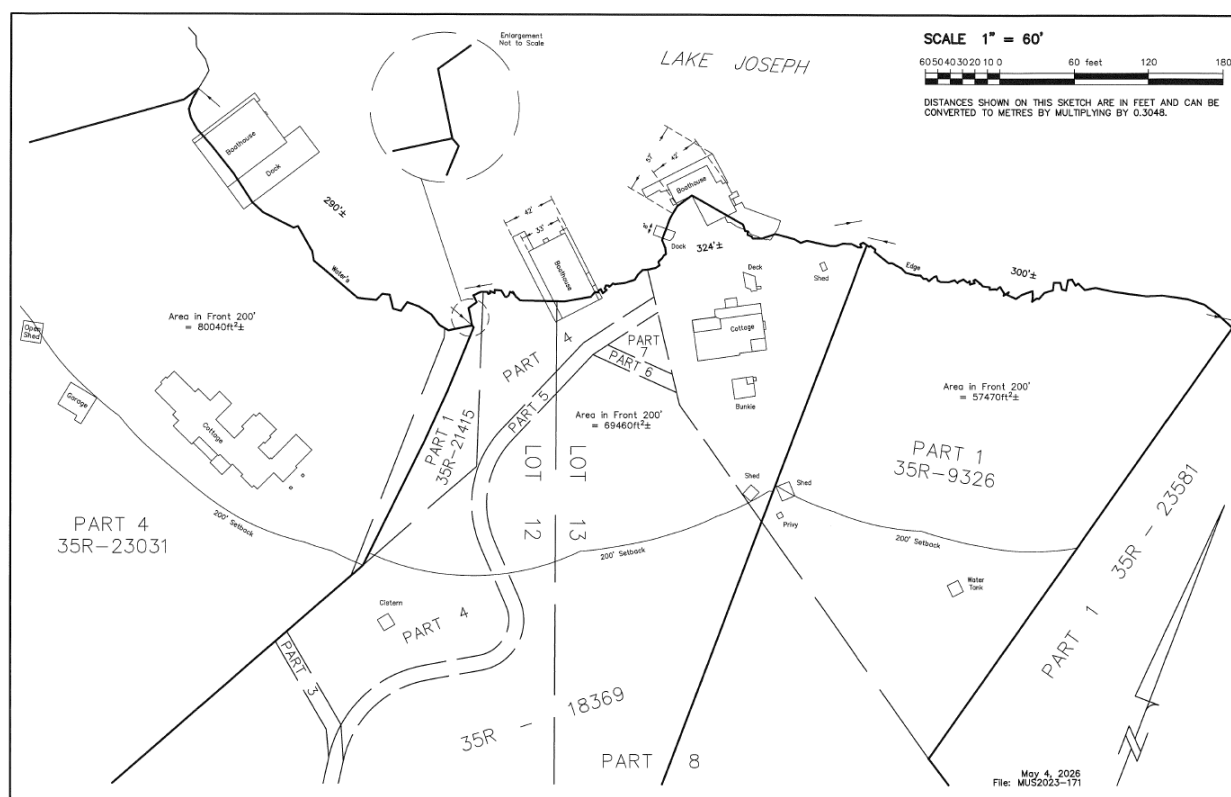


Figure 6: Zoning Sketch – Amended

The site specific property details are outlined in Table 3 below.

Table 3: Site Specific Property Details (Parent Lot 1-3)

Matter	Comment
Official Plan Designation (November 2023 Consolidation)	Waterfront Area
Official Plan Designation (April 2013 Consolidation)	Waterfront
Zoning (ZBL 2014-14, as amended)	Waterfront Residential (WR4) and Environmental Protection (EP1)
Zoning Schedule	27

Access	1218 Redwood Road (Private Road)
Servicing	Lot 3: Lake Water/Pit Privy Lot 2: Lake Water/Pit Privy Lot 1: Lake Water/Septic
Abutting Zoning Categories	Waterfront Residential (WR4) and Environmental Protection (EP1)
Original Shore Road Allowance	N/A
Lake/River Category	1 (Lake Joseph)
Site Plan Control	Subject properties automatically subject to Site Plan Control. No new development proposed through current applications.

ANALYSIS

Official Plans

The applications were reviewed based on the policies in effect at the time they were deemed complete. At the time that the subject applications were deemed complete, parts of the Township's 2023 Official Plan were under appeal. Where relevant policies were under appeal and such policies were not yet in effect, staff refer to applicable policies of the Township's 2013 Official Plan.

Public Consultation

Notice of this public meeting to be held under the Planning Act for these applications was circulated 20 days in advance of this scheduled May 14, 2026 meeting date and 4 written departmental comments have been received at the time of writing (see Table A3 below). No concerns had been received at the time of writing. Any written comments received up to May 7, 2026 will be attached to Committee's Agenda under Section 16.

Consent Applications B/01/02/03/04/19/26/ML

Township staff have no concerns with the approval of Consent Applications B/01/02/03/04/19/26/ML, subject to the recommended conditions of consent and proposed Zoning By-law Amendments. In making this determination, key considerations include:

- The Township's 2013 and 2023 Official Plans designate the subject lands as being within the Waterfront Area Designation. The Township's Official Plan and Comprehensive Zoning By-law stipulate minimum lot requirements for the Waterfront Area Designation with the general intent and purpose of ensuring that waterfront, residentially zoned lots, are of sufficient dimension and size (to accommodate permitted uses, buildings and structures, and private services within acceptable standards) and to control density of development.

- Policy E4.3.3 e) of the Township's 2023 Official Plan requires a minimum lot area of 0.8 hectares (1.98 acres) and a minimum water frontage of 90 metres (295 feet). The Township's Zoning By-law 'freezes' lots zoned Waterfront Residential – WR4 to their existing dimensions. While no additional lots are being created in this case relief is required from the minimum WR4 lot requirements. A further analysis is included as part of Exemption C below.
- The proposed lot additions will not create any additional lots; they are only an adjustment of lots lines. Resulting Lots 1, 2 and 3 will all far exceed the minimum lot area requirements of Section E4.3.3 e) Township's 2023 Official Plan. Resulting Lot 2 and 3 will exceed the minimum frontage requirement of Section E4.3.3 e) 2023 Official Plan. Resulting Lot 1 will have a frontage of 290 feet which is 5 feet less than what the 2023 Official Plan requires. However, Lot 3 currently has a frontage of 275 feet and the proposed lot addition will result in an increase of its frontage and resulting in it being closer to conformity with the 2023 Official Plan.
- Currently, Parent Lot 1 is developed with a dwelling, accessory land based structures and a single storey boathouse and dock, Parent Lot 2 is developed with a single storey boathouse and dock with the only land based structure being the remains of an 'old dwelling' and Parent Lot 3 is developed with a dwelling, sleeping cabin and a single storey boathouse and docks. While additional lots are not being created, the existing dwelling and shoreline structure which currently exist on Lot 3 will be added to Lot 2. This will have the effect of making Lot 3 a vacant lot which will be permitted to be developed in accordance with the Township's Zoning By-law.
- Shed 1 and the privy on Retained Lot 3 will no longer comply with side yard setback requirements. Further, as no main use is established on the property they are not in compliance with the construction sequence provision of Section 3.5.1 of the Township's Zoning By-law. Staff therefore recommend that these structures be removed as a condition of consent.
- The proposed lot additions will result in Retained Lot 2 containing a dwelling unit, sleeping cabin, two single storey boathouses, a number of docks and shed 2. The resulting width of the shoreline structures will not comply with the Township's Zoning By-law. A further analysis of Exemption A and B has been provided below. The dwelling unit and sleeping cabin comply with the Township's Zoning By-law. However, staff did observe the remnants of an old dwelling on Retained Lot 2 during staff's site visit. The proposed lot additions will result in a dwelling being relocated to Resultant Lot 2. If the existing 'old dwelling' were to be reconstructed it would result in two buildings on one lot. Section B 10.3 of the 2013 Official Plan permits one dwelling on a Waterfront Residential Lot. The Township's Zoning By-law permits one dwelling per lot in the WR4 zone. As two dwellings would not be permitted staff recommend that the 'old dwelling' in Figure 8 be removed as a condition of consent. The proposed lot additions will not permit two dwellings on Resultant Lot 2. Further, shed 2 will not comply with the required side yard

setbacks. Staff have recommended it be removed or brought into compliance as a condition of consent.

- Section L11.2.2 a. of the Township's 2023 Official Plan states that a consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is being created. Section L11.2.2 b. further states that the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. The proposed consent applications are a boundary adjustment and will not result in additional lots being created.
- An objective of the Township's 2023 Official Plan is to ensure that access is generally provided to a standard appropriate to the situation. Access to waterfront lots is typically provided in three ways: 1) by the public road network, 2) by a private road, or 3) by a navigable waterway. The applicant has proposed two rights-of-way over an existing driveway. B/04/26/ML will grant right-of-way access over an existing driveway on 4454 Muskoka Road 169, Unit #4 (Resultant Lot 2) in favour of the neighbouring property to the east 4454 Muskoka Road 169 Unit #2 (Resultant Lot 3). B/19/26/ML will provide private access over the will grant right-of-way access for an existing driveway on 4454 Muskoka Road 169, Unit #4 (Resultant Lot 2) in favour of the neighbouring property to the west 4454 Muskoka Road 169, Unit #1 (Resultant Lot 1).

The establishment of legal access is important from an Official Plan conformity perspective. The Township's 2023 Official Plan contemplates access to properties abutting the waterfront by existing private roads where a legal right-of-way can be established. The establishment of mainland road access is preferable for the provision of emergency services and reduces pressure on waterfront landings and marinas.

Further, Section L6.6.2 of the Township's 2023 Official Plan states that where lot creation and development is proposed, the property owner is required to enter into a Site Plan Agreement with the Township that indicates that the owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street, that the Township will not take over or assume an unopened, unassumed or private road or street as a Township public road or street unless it has been built according to municipal standards then in force; the Township is not liable for any injuries, losses or damage as a consequence of the Township issuing a building permit; and the Site Plan Agreement shall, at the expense of the owner, be registered against the lands. The proposed rights-of-way will grant access over Lot 2 to Lots 1 and 3. Lot 1 is already developed however, Lot 3 will be vacant. Staff recommend that a Consent Agreement be entered into that requires the provisions of Section L6.6.2 to be included in a future Site Plan Agreement. Any development on Lot 3 will automatically trigger the Site Plan Control process.

Staff have no concerns with the rights-of-way applications and recommend their approval, subject to the recommended conditions.

- Although the proposed consents/severances constitute the creation of a new vacant lot it does so via lot additions and as such the Township's Policy on Parkland Dedication (By-law 98-16) exempts lot additions from the requirement for a cash-in-lieu of parkland dedication. Accordingly a parkland dedication is not required.
- As part of the consent/severance process, a standard requirement is a servicing inspection by a Township Building Inspector to ensure that the proposed lots contain adequate area for an on-site sewage system, and to ensure that any existing systems are functioning properly. At the time of writing, Planning staff had not yet received a report from the Inspector responsible for this inspection. Staff have therefore recommended a standard condition of consent to address this consideration.

Zoning By-law Amendment ZBA-02/26

Exemption A & B – Maximum Permitted Cumulative Dock and Single Storey Boathouse Width

Planning staff are unable to support the proposed exemptions. In making this determination, key considerations include the following:

- Section E4.3.3 d) of the Township's 2023 Official Plan directs that the maximum shoreline structure width permitted on a Category 1 Lake (Lake Joseph) is 25% of the lot frontage up to a maximum cumulative width of 75 feet, with boathouses subject to further restrictions. The further restrictions on boathouse width are implemented through the Township's Zoning By-law. The Township's Official Plan and Comprehensive Zoning By-law establish maximum widths with the general intent and purpose of controlling density and ensuring that built form does not dominate the shoreline
- The Township's Comprehensive Zoning By-law permits a maximum cumulative dock width of 25% and a maximum cumulative single storey boathouse width of 16% on Category 1 lakes (Lake Joseph), to a maximum of 75 feet.

Existing Lot 2 has a single storey boathouse with a width of 33 feet or 19.5% which was approved through Minor Variance A-07/11. The existing dock width is 42 feet or 24.8% and is compliant with the Township's Zoning By-law.

Existing Lot 3 has a single storey boathouse and two docks. The existing boathouse is 42 feet in width or 8.9% and the existing docks have a cumulative width of 65 feet or 13.8%. Both structures currently comply with the Township's Zoning By-law.

- The current consent applications propose to add lands from Lot 2, which include the existing shoreline structures, to Lot 2. The resulting frontage on Resultant Lot 2 will be 324 feet. The Township's Zoning By-law would permit a maximum cumulative dock width of 75 feet and a maximum cumulative single storey boathouse width of 51.8 feet. If the lot addition applications are approved, Resultant Lot 2 will have a cumulative dock width of 107 feet (33%) and a cumulative single storey boathouse width of 75 feet (23.1%) (Refer to Figures 6 & 7).

The proposed lot additions will also result in Retained Lot 3 being vacant and permitted to be developed with a 75 feet dock and two storey boathouse with a maximum first storey width of 48 feet and a second storey width of 39 feet.

- Staff have concerns with the resulting built form on Resultant Lot 2. Staff recommend that Exemptions A and B be denied and it be a condition of consent that the shoreline structures on Resultant Lot 2 be reduced to comply with the requirements of the Township's Zoning By-law (See Condition 8). Policy B.5.8 of the Township's 2013 Official Plan directs that waterfront lots should be of sufficient dimension and size to accommodate buildings and structures within acceptable standards. Resultant Lot 2 will contain two single storey boathouses and three docks. The proposed cumulative dock width will exceed the Zoning By-law requirement by 32 feet. In the opinion of staff, the proposed dock width of 107 feet does not comply with Section E4.3.3 d) of the 2023 Official Plan states that the maximum shoreline structure width permitted on a Category 1 Lake (Lake Joseph) shall be 25% of the lot frontage up to a maximum cumulative width of 75 feet.

The proposed cumulative single storey boathouse width will exceed the Zoning By-law requirement by 23.2 feet. Section E.3.3.d) of the Official Plan limits shoreline structure width to a maximum of 25% (max. of 75 feet) but goes on to state that boathouses shall be subject to further restrictions. The Township's Zoning By-law implements the additional restrictions on boathouses and limits the maximum cumulative width to 16%. In the opinion of staff the proposed cumulative boathouse width does not conform with the Township's 2023 Official Plan.

- Staff acknowledge that the "actual frontage" of Resultant Lot 2 is 445 feet, which is greater than the straight line frontage/By-law frontage of 324 feet. However, given that there are no physical characteristics (i.e. island property, peninsula, etc.) that give the lot the appearance of having additional frontage, staff are of the opinion that the proposed built form is not appropriate or desirable development.
- Policy E4.1 j) of the Township's 2023 Official Plan recognizes that the three large lakes, being Lake Muskoka, Lake Rosseau, and Lake Joseph, generally exhibit larger built forms, but also states that limiting the density of buildings and structures in the Waterfront Area is important in protecting the character of the Waterfront Area. Many factors affect character in the Waterfront Area, such as the number of

structures, setbacks, shoreline vegetative buffers, height, built size, built form, shoreline structures, and the historical lake development. Strict adherence to policies limiting density related to these factors is paramount. Staff do not feel as though the application represents strict adherence, primarily due to the visual impacts of the shoreline structures when viewed from the lake. The density of shoreline structure development is significantly greater than what is permitted by the Township's Zoning By-law in the opinion of staff will have a negative impact on lake character.

- Section N3 of the Township's 2023 Official Plan states that in considering amendments to the zoning by-law, Council (or in this case, Committee) shall consider, among others, cumulative impacts on matters such as the environmental, visual/aesthetics, and lake character, setback from the lake, terrain and possible building locations, and impacts of future decisions on future development in terms of setting a negative precedent. Policy E4.1 states that within the Waterfront Area designation, natural form and function shall be the predominant characteristic of the landscape. Shoreline structures by their nature cannot be buffered from lake side views and inherently have a significant impact on lake character. Increasing the density/width of shoreline structures beyond what the Official Plan and Zoning By-law envision will result in built form dominating over the natural landscape.



Figure 6: Shoreline structures on Resultant Lot 2 (image from Muskoka GeoHub shoreline videos)



Figure 7: Shoreline structures on Resultant Lot 2 (image from Muskoka GeoHub shoreline videos)

Exemption C - Minimum Lot Frontage and Area for Waterfront Residential – WR4 Zone

Staff have no concerns with the approval of the requested exemption. In making this determination, staff have considered the following:

- At the time the Township's Comprehensive Zoning By-law was passed, Lake Joseph was classified as highly sensitive to phosphorous inputs by the District Municipality of Muskoka's former Lake System Health Program. Neither the District nor Township apply this classification to Lake Joseph. Zoning has not been updated to reflect this change and therefore the Waterfront Residential (WR4) zoning of the subject lands reflects the former classification status of Lake Joseph. The minimum frontage and area requirements for a lot zoned WR4 are the dimensions that existed at the time the Zoning By-law was passed. This reality automatically triggers a requirement for a zoning exemption or variance to create a new lot or, in this case, alter existing lot boundaries.
- As detailed above, Policy E4.3.3 e) of the Township's 2023 Official Plan requires a minimum lot area of 0.8 hectares (1.98 acres) and a minimum water frontage of 90 metres (295 feet). The proposed lot additions will not create any new lots and are only an adjustment of lots lines. Resulting Lots 1, 2 and 3 exceed the minimum lot area requirements of the Township's 2023 Official Plan. Resulting Lot 2 and 3 will exceed the minimum frontage requirement of the 2023 Official Plan. Resulting Lot 1 will have a deficient frontage of 290 feet but it is being increased from its

existing frontage of 275 feet. Staff have no concerns regarding the resultant lot dimensions.

- Section 1. i) of By-law 2008-149 permits Parent Lot #1 (Unit 1) to have a minimum lot frontage of 265 feet. Staff recommend the draft by-law be amended to include relief from this Section.

Repealing By-law 2005-119:

- By-law 2005-119, in part, permits Parent Lot #2 (Unit #4) to have a minimum lot frontage of 155 feet. The proposed consents will result in Resultant Lot #2 having 324 feet of frontage. By-law 2005-119 also rezoned Parent Lot #2 and #1 to WR5. Zoning By-law 2014-14 has since rezoned the subject properties to WR4. Staff would therefore recommend By-law 2005-119 be repealed.

General Analysis

Site visit photos, property constraints and past planning approvals, and especially relevant planning policies are included in an appendix to this report.

PREPARATION

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APPENDIX

A1: Property Constraints, and Background

Matter	Comment
Species at Risk (SAR)	SAR may be encountered in the area. More information regarding SAR can be found at www.ontario.ca/SpeciesAtRisk. Property owners should consult the Ministry of the Environment Conservation, and Parks (MECP) to ensure any proposed development will not have any adverse impacts on SAR or SAR habitat. Given the applicant's statutory obligations under the <i>Endangered Species Act, 2007</i>, an evaluation of potential habitat of endangered and threatened species and impacts has not been completed, however, one can be requested by Committee if desired. Staff would note no new buildings or structures or re-development of existing buildings and structures is proposed at this time.
Fish Habitat	The subject land fronts onto an area of Lake Muskoka that has been identified by the MNR as Type II (General) Fish habitat. Type II (General) Fish Habitat is not limiting to fish populations, whereas, Type I (Significant) Fish Habitat is generally known to be sensitive to the potential impacts of development and can include spawning habitat. Given statutory obligations under the Fisheries Act, it is the responsibility of applicants to confirm, through a self-assessment, if any future development/redevelopment will trigger a requirement for a review by the Department of Fisheries and Oceans (DFO) as laid out in Guidelines for Projects Near Water (http://www.dfo-mpo.gc.ca/pnw-ppe-index-eng.html). An evaluation of potential impacts to fish and fish habitat has not been completed as detailed above, however, one can be requested by Committee if desired.
Previous Planning Approvals	Parent Lot #1 (Unit #1): By-law 2008-149 permits, in part: - The subject lot to have a minimum lot frontage of 265 feet as shown on Schedule II; - A minimum front yard setback of 95 feet, as shown on Schedule II; and, - A minimum front yard setback of 200 feet for a sleeping cabin.

Matter	Comment
	Minor Variance (A-78/11) - Permits a dock length of 76 feet; and, - Permits a boathouse length of 60 feet. Minor Variance (A-08/11) - Permits a single storey boathouse height of 18 feet. Parent Lot #2 (Unit #4): By-law 2005-119 - Permits, in part, the subject lot to have a minimum lot frontage of 155 feet. Minor Variance (A-07/11) - Permits a single storey boathouse to be 18.7 feet in height and 34 feet in width. Parent Lot #3 (Unit #2): - n/a

A2: Site Visit Photos, April 4, 2026



Figure 1: Dwelling on Resultant Lot 1.



Figure 2: Boathouse on Resultant Lot 1.



Figure 3: Boathouse on Resultant Lot 2.



Figure 4: Boathouse on Resultant Lot 2.



Figure 5: Dwelling on Resultant Lot 2.



Figure 6: Sleeping cabin on Resultant Lot 2.



Figure 7: Sheds on Resultant 2 and 3.



Figure 8: Old dwelling on Resultant Lot 2.



Figure 9: Looking toward Resultant Lot 3 from Resultant Lot 2.



Figure 10: Shoreline of Resultant Lot 3.



Figure 11: Proposed ROW B/04/26/ML



Figure 12: Proposed ROW B/19/26/ML

A3: Agency and Public Comments Submitted at Report Writing

Submission	No Objection	Objection	Comments
District Municipality of Muskoka	✓		No objection.
Township of Muskoka Lakes, Development Services Division	✓		No objection.
Township of Muskoka Lakes, Public Works	✓		No concerns from an Operational Services perspective. The proposed access is via a private road. These roads are not required to be constructed or maintained in accordance with Township road standards. The Operational Services Department does not review this type of access and road access for emergency services may be limited and/or unavailable via the proposed road access.

Township of Muskoka Lakes Septic Inspector			No comments received at time of writing.
Township of Muskoka Lakes, Emergency Services			No comments received at time of writing.
Township of Muskoka Lakes, Legislative Services	✓		No comments.
Public Comments:			
			None received at the time of writing.

A5: Planning Policy

Provincial Policy Statement
The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are identified as Rural Lands in the PPS and the applications are consistent with it.
District of Muskoka Official Plan
The subject lands are designated Waterfront Area in the District of Muskoka Official Plan. The District Municipality of Muskoka has delegated consent granting authority under the Planning Act to the Township and is a commenting agency in regard to Provincial and District interests. Comments from the District were received stating no objection to the applications.
Township of Muskoka Lakes Official Plan (Approved April 2013)
The Township's 2013 Official Plan designates the subject lands as Waterfront. Consent applications B/01-04/19/26/ML conform with the applicable policies of this Plan subject to the recommended conditions of consent. Exemption C to Zoning By-law Amendment ZBA-02/26 conforms with the applicable policies of this Plan subject to the recommended revisions. Exemptions A and B to Zoning By-law Amendment ZBA-02/26 do not conform with the applicable policies of this Plan.
Township of Muskoka Lakes Official Plan (Adopted October 12, 2022, Approved November 20, 2023)
The Township's 2023 Official Plan designates the subject lands as Waterfront Area. Consent applications B/01-04/19/26/ML conform with the applicable policies of this Plan subject to the recommended conditions of consent. Exemption C to Zoning By-law Amendment ZBA-02/26 conforms with the applicable policies of this Plan subject to the recommended revisions. Exemptions A and B to Zoning By-law Amendment ZBA-02/26 do not conform with the applicable policies of this Plan.